

# **EXHIBIT DX6**

TO DECLARATION OF PETER J. GOSS IN  
SUPPORT OF DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO EXCLUDE THE  
OPINIONS AND TESTIMONY OF  
JIM HO, PH.D

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In Re:  
Bair Hugger Forced Air Warming  
Products Liability Litigation

This Document Relates To:

All Actions MDL No.  
15-2666 (JNE/FLM)  
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VIDEOTAPED DEPOSITION

OF

MARK ALBRECHT

VOLUME 1

Minneapolis, Minnesota

Friday, October 7th, 2016  
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Reported by:  
Amy L. Larson, RPR  
Job No. 112502

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likely in the air.

Q. Okay. So did it surprise you that, you know, with -- with -- with operating rooms 1 and 3 having tens of thousands of particles being emitted, you couldn't culture out any bugs?

MR. B. GORDON: Objection to form, conflating particles and bugs again, but...

THE WITNESS: So to answer that, a large amount of the particles are going to be atmospheric dust that come in and so the -- it is not exactly surprising, because atmospheric dust is not bacteria always, it's not, it's just particles that are in the air.

BY MR. C. GORDON:

Q. And -- and to Mr. Ben Gordon's objection, particles don't correlate to bacteria, correct?

A. Correct.

MR. B. GORDON: Objection to form.

BY MR. C. GORDON:

Q. And in, you know, kind of in lay terms, if we -- if somebody looks at a window on a very bright, sunny day and you see a bunch of stuff in the air, if you close the shades

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that stuff seems to disappear, it's not that that stuff is really disappearing, it's just that there's particles in the air that -- that are not ordinarily visible to the naked eye, right?

MR. B. GORDON: Objection to form.

I'm not sure what the question is.

THE WITNESS: Yes, there are particles that you cannot see with your eye.

BY MR. C. GORDON:

Q. And even in a clean surgical environment with a properly functioning turbulent system, there are going to be thousands of particles, right?

MR. B. GORDON: Objection to form.

THE WITNESS: I would expect atmospheric dust to be present, yes.

BY MR. C. GORDON:

Q. So let's talk about the particles that you counted in the Bair Hugger. In this -- in the tests you did at Regina Hospital in Hastings, is that table 1, page 4 of 12?

A. Yes.

Q. And so the -- the measurements here are --

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well, one of the things that these measurements were attempting to do was to determine filtration efficiency, correct?

A. Correct.

Q. So there's particles before the filter and particles coming out after the filter, right?

A. Correct.

Q. And then it's just a numerator and denominator to develop a percentage of efficiency, right?

A. Yes.

Q. Okay.

A. With a non-quantitative challenge. This is not how you'd properly rate the filter. They have other studies that pertain to that.

Q. Okay. In this -- in the case of what you're measuring at -- at the Regina Hospital, you were -- just as you did in the OR, you measured particles greater than .3 microns, greater than .5 microns, and 5 -- greater than 5 microns, right?

A. Yes.

Q. I should say greater than or equal to --

A. Yup.

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Q. And in -- in -- in each case the measurement of the point -- of the greater than or equal to .3 microns was higher than the greater than or equal to .5 microns, right?

A. Correct.

Q. And I guess we can use the average. It was -- the average particles counted of the greater than .3 microns was about roughly five times as many as the greater than .5 microns, right?

A. It depends on the measurement.

Q. I'm just looking at the average.

MR. B. GORDON: You're talking about the average of all the experiments or just the top one?

MR. C. GORDON: You know, that's a good point. I actually don't understand what the difference is.

BY MR. C. GORDON:

Q. At the bottom of this table it says, "Average counts with fitment concurrent particle counting and impaction," and then there's another line that says, "Average particle counts" -- "average counts particle counter